

# ASBCE NEWSLETTER

[www.state.ar.us/asbce](http://www.state.ar.us/asbce)

SEPTEMBER 2005

## ARKANSAS STATE BOARD OF CHIROPRACTIC EXAMINERS



### BOARD MEMBERS

**Mark L. Ungerank, D.C., President**

**Vinton Savelle Barnes, D.C., Secretary**

**Michael D. Courtney, D.C., Investigation Officer**

**Beverly J. Foster, D.C., Examination Officer**

**Margaret Thompson, Public Member**

**Roland Getchell, Consumer Member**

**Ryan D. Collins, D.C., Member**

### PROFESSIONAL STAFF

**Carol Ann Stone, Executive Director**

**Sandy Kita, Administrative Assistant**

### INSIDE THIS ISSUE

- 1** President's Message ....
- 2** Calendar of Events ..... New Licensees  
ALERT
- 3** Election of Officer – Board Appointments  
Advertising Talk
- 4** Complaints/Investigations
- 5** Chiropractic Scope of Practice

### **A MESSAGE FROM THE BOARD PRESIDENT**

*Mark L. Ungerank, D.C.*

The Board of Examiners uses this newsletter to help keep all of you informed of the latest developments of the ASBCE. We also publish the disciplinary matters to help avoid some common pitfalls and mistakes.

First, I would like to welcome the new members of our board, Dr. V. Savelle Barnes, and Governor Mike Huckabee has just recently appointed Dr. Ryan Collins to serve on the Board. Dr. Barnes and Dr. Collins are a welcome addition to the Board.

This past year has been busy and productive. The Board has adopted new Rules & Regulations regarding advertising and approved distance-based learning approved courses offered via Internet. We hope that online education will give another option for licentiates in their endeavor to comply with the continuing education requirement for licensure.

We continue to protect the public as well as regulate the profession. In doing so, we investigate complaints that come from consumers. Procedures are ensured to make sure that the right to due process for all parties. Each matter is dealt with in a fair equitable impartial manner. Matters are not prejudiced by treatment of those involved because of personal values or friendships. Individuals have the opportunity to present both sides of an issue before the Board can render an opinion. There is a recusal process, which is followed when real conflict of interest arises.

I encourage our licensees to take time to familiarize yourself with the laws and regulations that govern chiropractic to avoid problems with violations that may result in disciplinary actions.

(Continued on page 3)

## Arkansas State Board of Chiropractic Examiners

---

### CALENDAR OF EVENTS

#### EVENT

#### BUSINESS MEETING - ADJUDICATORY HEARING

PLACE: MAIN STREET MALL

DATE: SEPT. 23, 2005

#### EVENT

#### CREDENTIALS MEETING

PLACE: MAIN STREET MALL

DATE: DEC. 2005

#### EVENT

#### EXAMINATION & ORIENTATION MEETING

PLACE: Main St. Mall, Conf. Room C

Date: Jan. 26, 2006

#### EVENT

Business Meeting: March 2006

Credentials Meeting: June 2006

Examination – Orientation: July 27, 2006

THE FOLLOWING CANDIDATES PASSED THE JANUARY 2005 EXAMINATION

**Mellorya L. Wynn, DC**

**Alan A. Hiatt, DC**

### CANDIDATES WITH NATIONAL BOARD

#### PART IV

**Dana Cox Craiglow, DC**

**Parker A. Crum, DC**

**Blair D. Hunt, DC**

**James C. Kirksey, DC**

**Jeffrey E. Lewis DC**

**Quinton L. Moss, DC**

**Chris Reed, DC**

**NeShaydith Tompkins, DC**

**Jeffrey Allen Tucker, DC**

**Barbara Angell, DC presented NB SPEC Exam 5/26/05**

### THE FOLLOWING CANDIDATES PASSED THE JULY 2005 EXAMINATION

**Crayton D. Dailey, DC**

**Alex L. Haines, DC**

**Peter M. Stuart, DC**

**Kevin L. Skinner, DC**

### CANDIDATES WITH NATIONAL BOARD PART IV

**Miranda Miller Cline, DC**

**Jason Vaughn Helms, DC**

**Vincent L. Henderson, DC**

**Carrie Hillman, DC**

**Amanda Nicole Gorman, DC**

**Morgan A. Seubold, DC**

**Kyle L. Skinner, DC**

**Rebecca S. Slayton, DC**

**Dennis Joe Warren, DC**

**Congratulations to all the new licentiates**

### STATISTICS OF AR LICENSED

#### CHIROPRACTORS

*As of August 2005*

<b>Licenses:</b>	<b>459</b>	<b>Active In-State</b>
	<b>27</b>	<b>Inactive</b>
	<b>87</b>	<b>Out-State</b>

**Acupuncture – 134**

## **ELECTION OF OFFICERS**

Pursuant to the provisions of Section §17-81-204(b) in July of each year officers for the Board of Examiners are elected.

Dr. Mark Ungerank was elected President, Dr. Vinton Savelle Barnes was elected Secretary, Dr. Michael Courtney was appointed as Investigation Officer, Dr. Beverly Foster, Examination Officer, Mr. Roland Getchell, Treasurer.

## **BOARD APPOINTMENTS**

Under the provisions of the Arkansas Code Annotated §17-81-201 board members are appointed by the Governor for five year terms. Governor Mike Huckabee appointed Dr. Savelle Barnes to serve until June 9, 2010 and Dr. Ryan Collins to serve until June/2007. Congratulations to Dr. Barnes and Dr. Collins.

The Board of Examiners would like to thank Dr. Robert Shackelford for his service on the Board for the term June 10, 2000 – June 9, 2005. Thanks to Dr. Shackelford for helping to effectively carry out the duties of the Board and serving the citizens of Arkansas.

## **PATIENT BILLING**

Complaints are received by the ASBCE some relate to patients who receive bills for services months after the services were rendered. It is suggested that every patient receive billings in a timely manner indicating the amount owed on their bill as well as the amount paid toward their account, whether it is paid by them, the insurance companies, or through settlement from attorneys.

(Continued)

## **PATIENT BILLING**

Without this billing, patients, at the very least, are confused and frustrated when they receive a bill for any amount unexpectedly. At the worst, you jeopardize your ability to collect the monies duly owed you for services provided.

Insurance companies act as representatives of patients when they pay your bills, not as a replacement for the patient. The patient deserves to see the activity on their account especially when they have committed to paying any unpaid portions of the bills.

### **§16-46-106 Access to medical records.**

**(a)(1)** "In contemplation of, preparation for, or use in any legal proceeding, any person who is or has been a patient of a doctor, hospital, ambulance provider, medical health care provider, or other medical institution shall be entitled to obtain access, personally or by and through his or her attorney, to the information in his or her medical records, upon request and with written patient authorization, and shall be furnished copies of all medical records pertaining to his or her case upon the tender of the expense of such copy or copies."

(Continued from page 1)

## **PRESIDENTS MESSAGE**

**Dr. Mark Ungerank, President/ASBCE**

You can go to our website at [www.state.ar.us/asbce](http://www.state.ar.us/asbce) the Chiropractic Rules, Regulations and Statutes are posted at that site for your convenience.

The role of this Board is protecting the public's health and safety, while promoting continuous quality improvement in the chiropractic profession.

Please read and review the entirety of this newsletter. Also, feel free to call or write your comments to the Board.

Thank you.



### **BREAK DOWN OF COMPLAINTS/INVESTIGATION**

Case #220-04-06-04: Case closed  
Case #229-09-30-04: Letter to doctor informing him to pay attention to the HIPPA law regarding patient privacy rights.  
Case #230-10-26-04: Case closed  
Case #235-01-24-05: Matter resolved  
Case #236-02-04-05: Letter of Warning  
Case #237-02-28-05: Hearing date set September 23, 2005  
Case #238-03-02-05: Letter of Warning  
Case #239-03-29-05: #241-04-15-05 Hearing date 9/223/05  
Case #240-04-05-05: Complaint to be retained in doctors file  
Case #242-05-12-05: Complaint closed  
Case #243-05-17-05: Under investigation  
Case #244-05-17-05: Under investigation  
Case #245-05-31-05: Case closed  
Case #246-08-22-05: Under investigation

### **BOARD ACTIONS**

March 12, 2005 the Arkansas State Board of Chiropractic Examiners held a hearing regarding complaints #231-11-29-04; 232-12-16-04; 233-12-16-04; 234-12-16-04 in the matter of Dr. Mark S. Bradley.

Based upon the Findings of Fact that the doctor committed unprofessional conducted by Board Regulations (C)(p)(i) and (C)(p)(ii). The Board ordered the following:

- 1) License suspended for a period of one (1) year.
- 2) Pay a civil penalty of \$20,000.00 within 90 days.
- 3) Complete an education course in Ethics and Boundaries, and be suspended from the Arkansas State Board of Chiropractic Examiners. Any additional complaints will result in immediate loss of his license.

June 16, 2005 the Arkansas State Board of Chiropractic Examiners held a hearing in the matter of Alan Meyer, DC.

Based upon the Finding of Fact that the doctor was in violation of §17-80-112, §17-81-315 and Board Regulation (C)(2)(1), (C) (2)(c) and (D)(1). The Board ordered the following:

- 1) Pay a fine of \$1000.00
- 2) Probation for a period of six (6) months.

**Arkansas State Board of Chiropractic Examiners**

---

## **BOARD ACTION**

June 16, 2005 the Arkansas State Board of Chiropractic Examiners held a hearing in the matter of Mike Meyer, D.C.

Dr. Mike Meyer received a Doctor of Chiropractic degree from Palmer College, but is not licensed in Arkansas.

Based upon the Findings of Fact that Mike Meyer, DC was in violation of §17-81-303(a)(2), §17-80-112, 315, and Board Regulation (c) (3)(d). The Board ordered the following:

- 1) \$1,000.00 fine to be paid within thirty (30) days
- 2) Ordered to cease and desist use of the title "Doctor" in print in reference to healthcare and wellness issue.

---

September 23, 2005 starting at 9:00 A.M. the Arkansas State Board of Chiropractic Examiners will conduct a hearing to determine whether the individual is practicing chiropractic without an Arkansas license.

Starting at 10:00 A.M. and 2:00 P.M. on September 23, 2005 hearings have been scheduled to determine whether the doctor has violated the Rules and Regulations regulating sexual misconduct.

Board members shall act fairly, be non-partisan and unbiased in their role of protecting the public. The basis/foundation of all board member decisions shall be in the interest of public protection and board members should be aware of potential conflicts of interest.

Doctors licensed in the State of Arkansas should review the Rules & Regulations from time to time. Rules governing all aspects of the profession including the following:

Rule C.(ii) Sexual Impropriety – Comprises any behavior, gestures, or expressions that are seductive or sexually-demeaning to a patient of normal sensibilities; inappropriate procedures, including, but not limited to, disrobing or draping practices that reflect a lack of respect for the patient's privacy, inappropriate comments about or to the patient, including, but not limited to, making sexualized or sexual-demeaning comments to a patient.

Every health-care provider has reason for concern about the consequences of even an allegation of a sexual boundary violation. Because chiropractic involves the "laying on of hands," this physical approach to treatment may create opportunities for misunderstandings and prompt complaints against a chiropractor. Consider conducting pretreatment discussions and other protective measures before performing procedures. The power that offers the capacity to heal contains the capacity to cloud therapeutic objectivity.

---

**Arkansas State Board of Chiropractic Examiners**

---

# NEW RULES AND REGULATIONS

## **PART TWO REGULATIONS E. PROFESSIONAL PRACTICES**

### **3. CONTINUING EDUCATION**

- (g) Distance-based learning courses offered by electronic media in audio and/or visual format, such as through the Internet, which otherwise comply with these rules may be approved by the Board if the course meets the following criteria:
- (1) The sponsor, organization or participant must have preapproval through the regular continuing education process for the State of Arkansas.
  - (2) The course must be test and time monitored to insure active participation by the licensee. The Internet education provider should provide a mechanism for verifying participation in the course.
  - (3) A maximum of twelve (12) distance-based learning credit hours may be submitted by a licensee during each licensing period.

## **PART TWO**

### **D. ADVERTISING BY CHIROPRACTIC PHYSICIANS**

**9. Telephone communication.** Any designated agent communicating with a prospective patient representing a chiropractic physician shall disclose how they obtained the information prompting the communication. They must communicate that they are an agent of the licensed doctor of chiropractic and that the agent does not practice in a particular field such as an attorney, insurance adjuster, chiropractor and is not employed by an insurance company.

- (a) When direct in-person solicitation is made by an agent or employee of the chiropractor they shall be required to dispense a professional card stating that the doctor they are representing is a professional licensed doctor of chiropractic with the doctors name, address and telephone number.
- (b) For the Board's purpose, if contact is made by the licensed chiropractor, or by an agent hired by the licensed chiropractor the chiropractor will be held responsible for the content of any contact.
  - (1) Telephone solicitation by licensees, their employees or agents to victims of accident or disaster shall be required to maintain scripts for a period of two (2) years following their utilization. Scripts are to be made available for review upon request by this Board or its designee.

---

WHERE ARE YOU?

You know where you are.

You know where we are.

We know where we are.

But...we don't always know where you are...

Please...keep us posted of your current address.

---

ARKANSAS STATE BOARD OF  
CHIROPRACTIC EXAMINERS  
101 East Capitol, Suite 209  
Little Rock, AR 72201

ADDRESS CORRECTION REQUESTED